



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,934	03/09/2004	Andreas Sausner	388-1001	3281

23626 7590 08/21/2006

LEYDIG VOIT & MAYER, LTD.  
(ROCKFORD OFFICE)  
TWO PRUDENTIAL PLAZA, SUITE 4900  
180 NORTH STESTON AVENUE  
CHICAGO, IL 60601-6780

EXAMINER

HONG, JOHN C

ART UNIT PAPER NUMBER

3726

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

JP

**Office Action Summary**

Application No.

10/796,934

Applicant(s)

SAUSNER ET AL.

Examiner

John C. Hong

Art Unit

3726

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-9, 16 is/are rejected.
- 7) ☒ Claim(s) 7, 14, 15 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Otto et al. (U.S. Patent 6988311).

Otto et al. disclose a method for making a metal tube sheathed with an electrically non-conducting plastic layer, for use in a motor vehicle for transporting liquid or gaseous media, especially fuels, and which is adapted to be connected to a conductive portion of the motor vehicle, the steps comprising, removing at least a portion of the plastic layer of the metal tube at an area of connection providing a conductive covering section which covers the area of connection on all sides or more than covers the area of connection on all sides, pressing the conductive covering onto the metal tube at least at its ends under radial pressure applied along at least part of the circumference without any gaps (col.1, lines 22-31).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3726

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6,8,9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otto et al. (U.S. Patent 6988311) in view of Ikeda et al. (U.S. Patent 5940952).

Otto et al. teach the limitation except the steps of covering section consists of a heat-shrinkable sleeve made of electrically conductive plastic; the heat-shrinkable sleeve is shrunk onto the metal tube by heat treatment; the heat-shrinkable sleeve is provided with an electrically conductive adhesive coating on the inside.

Ikeda et al. teach the steps of covering section consists of a heat-shrinkable sleeve made of electrically conductive plastic (col. 6, line 64); the heat-shrinkable sleeve is shrunk onto the metal tube by heat treatment (Figs 1-3,7,8); the heat-shrinkable sleeve is provided with an electrically conductive adhesive coating (6) on the inside (Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the steps of covering section consists of a heat-shrinkable sleeve made of electrically conductive plastic; the heat-shrinkable sleeve is shrunk onto the metal tube by heat treatment; the heat-shrinkable sleeve is provided with an electrically conductive adhesive coating on the inside, as taught by Ikeda et al. on the method of Otto et al. so as to apply corrosion-protective coating to inner tube effectively.

5. Claims 3-5, are rejected under 35 U.S.C. 103(a) as being unpatentable over Otto et al. .

Otto et al. fail to teach the method of utilizing covering section consists of metal crimp sleeve consists of aluminum or stainless steel press on tube mechanically, but these are is well known in the art and It would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 3726

invention was made to utilize such covering on the method of Otto et al. so as to ground the fuel tube effectively.

The above mentioned well-known in the art is taken to be admitted prior art because applicant failed to traverse the examiner's assertion of the official notice.

***Allowable Subject Matter***

6. Claims 7,14,15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-6, 8 and 9 have been considered but are moot in view of the new ground(s) of rejection. See the new Office action.

Regarding the Ikeda et al. reference, Applicant rebutted that it is related to the joint connection of two adjacent tubes, but the purpose of corrosion-protection is relevant to the present claims.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John C. Hong whose telephone number is 571-272-4529. The examiner can normally be reached on M-F(07:00-16:30)First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

Application/Control Number: 10/796,934  
Art Unit: 3726

Page 6

like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to be 'JCH', written over a horizontal line.

John C. Hong  
Primary Examiner  
Art Unit 3726

jh  
August 16, 2006